

### REMARKS

Applicants respectfully request reconsideration of this application, and reconsideration of the Office Action dated July 27, 2004. Upon entry of this Amendment, claims 12, 14, 16, 19, 23-25 and 29-35 remain pending. New claims 36-39 are added. The amendments to the claims as well as the newly added claims are supported by the specification and original claims. No new matter is incorporated by this Amendment.

Applicants gratefully acknowledge the Examiner's Express indication that claims 12, 14, 15, 19, 24, and 25 are allowed.

\* \* \* \* \*

Claim 23 was objected because of an informality. In response, claim 23 has been amended in a manner to obviate the objection. Hence, withdrawal of the objection is requested.

\* \* \*

Claims 23, 29 and 30 were rejected under 35 U.S.C. § 112, second paragraph, as purportedly indefinite.

In response claim 23 has been amended to indicate the gene encoding the zwal protein is from Coryneform glutamicum.

In addition, claims 29 and 30 have also been amended in a manner that obviates the rejection. Hence, in view of the above remarks, Applicants respectfully submit that the rejection is overcome and request that it be withdrawn.

\* \* \*

Claim 23 was rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

Claim 23 was also rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter that is not fully enabled by the specification.

As stated above, claim 23 has been amended to indicate the gene encoding the zwa1 protein is from Coryneform glutamicum. Hence, both rejections have been accommodated and withdrawal of each is requested.

\* \* \*

Claims 29 and 31-35 were rejected under 35 U.S.C. 103(a) as purportedly anticipated by Nakagawa et al. (EP 1108790).

Claims 29 and 31-35 were rejected under 35 U.S.C. 103(a) as purportedly anticipated by Nakagawa et al. (U.S. Pat. Appln. No. 2002/0197605).

These two rejections are addressed together as similar issues apply to both. Moreover, Applicants respectfully traverse both rejections.

The present claims are supported by the priority document as well as the present specification. Thus, in view of the certified translation of the priority document filed herewith, each of the above cited documents are disqualified as prior art. Hence, withdrawal of each rejection is respectfully requested.

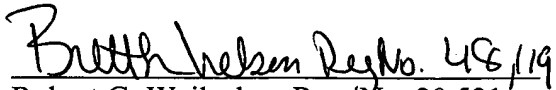
\* \* \* \* \*

Applicants respectfully submit that this Amendment and the above remarks obviate the outstanding objection and rejections in this case, thereby placing the application in condition for immediate allowance. Allowance of this application is earnestly solicited.

If any fees under 37 C.F.R. §§ 1.16 or 1.17 are due in connection with this filing, please charge the fees to Deposit Account No. 02-4300; Order No. 032301.190.

If an extension of time under 37 C.F.R. § 1.136 is necessary that is not accounted for in the papers filed herewith, such an extension is requested. The extension fee should be charged to Deposit Account No. 02-4300; Order No. 032301.190.

Respectfully submitted,  
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